



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,134	09/11/2003	Shun-Min Chen	7296	6897

7590 11/03/2004
Samuels, Gauthier & Stevens LLP
Suite 3300
225 Franklin Street
Boston, MA 02110

EXAMINER

STORMER, RUSSELL D

ART UNIT	PAPER NUMBER
----------	--------------

3617

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,134

Applicant(s)

CHEN, SHUN-MIN

Examiner

Russell D. Stormer

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Drawings

1. Figure 1 should be designated by the legend --Prior Art-- because this figure is drawn to a known wheel mounting assembly as discussed in the specification.

See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. A substitute specification is required pursuant to 37 CFR 1.125(a) because the specification as filed is replete with grammatical errors too numerous to point out specifically. Note for instance the phrases "by the aids of tool" in line 19 of page 1, "whereby the wheel body can escape from the shaft" in line 25 of page 2, the use of the term "pitchy" on page 7, and the phrase "which is easy and can spare time" in line 36 and 37 of page 6.

3. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

Claim Objections

4. Claims 1-12 are objected to because of the following informalities:

The claims are replete with numerous grammatical errors and non-idiomatic language. Some examples are the lack of the word - a- - after "with" in the first line of each claim, and phrases such as "can escape from" (should be - can be removed from- -), "usually keep" (should be - urge- - or an equivalent term), and "are/is functioned as" (should be changed to - function as- -).

Further, the term "in different planes" in line 7 of claim 1 should be changed to - a different plane- - and the term "reaches" in line 3 of claim 2 should be changed to a term such as - is connected to- - or - opens into- - in order to be more correct. The word "Whereby" in claim 2 should not be capitalized.

The term "at the state of" in at least claims 3, 4, 5 and 10 is not understood.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 3, 8, 9, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Chan.

In figures 2 and 3, Chan discloses a quick-release device for a wheel assembly comprising a wheel body having a hole at the center, a movable member 73 having an opening 731 with first and second wall surfaces and forming first and second chambers. The movable member can be biased against the elastic element 76 such that the smaller of the chambers engages the groove of the axle to retain the wheel, and the larger of the chambers allows the wheel to be removed from the axle.

With respect to claim 8, the bend (shown in figure 3 but not labeled) is considered to be the snick as it would restrict the movement of the member 73.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3617

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan in view of Hyams.

The movable member 73 of Chan does not have a protrusion between the first wall and the second wall.

As shown in figures 1 and 2, Hyams teaches the use of a protrusion (not labeled) on each of the members 42 which contact the groove 32 in the axle and would help retain the axle in place between the members when the wheel is attached to the axle.

From this teaching it would have been obvious to provide protrusions on the walls of the movable member of Chan in order to prevent the axle from inadvertently moving from one chamber to the other during use.

9. Claims 6, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan in view of Liao et al.

The assembly of Chan does not have a plurality of ribs to guide the movable member.

Liao et al teaches an assembly for fastening a wheel to the leg of a cart comprising a movable member 52 which engages a groove 312 in the axle and a passage 42 (figure 5) for guiding the movement of the member 52. The groove is considered to have a plurality of ribs, one of which contacts each of the sides of the member 52 as shown in figure 7.

Art Unit: 3617

From this teaching it would have been obvious to provide the assembly of Chan with a plurality of ribs for guiding the moveable member into and out of engagement with the axle.

Allowable Subject Matter

10. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show other wheel attaching assemblies.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (703) 308-3768. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10/29/04


RUSSELL D. STORMER
PRIMARY EXAMINER 10/29/04